

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION  
AND LIABILITY ACT

14-14-D. Cost Recovery Non-Judicial Agreements and  
Administrative Consent Orders

1. **AUTHORITY.** Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, including Sections 104, 107 and 122(h), to enter into or exercise concurrence in non-judicial agreements or administrative orders on consent for the recovery of costs of response.
2. **TO WHOM REDELEGATED.** Regional counsel.
3. **LIMITATIONS.**
  - a. The delegated official should consult with the assistant administrator for the Office of Enforcement and Compliance Assurance consistent with the most recent version of the “OECA/OSRE CERCLA and RCRA/CWA/UST Roles Chart,” or successor documents, as appropriate.
  - b. This authority does not include de minimis settlements under CERCLA Section 122(g).
  - c. This authority does not include referral of cost recovery claims for resolution by arbitration of representation of the U.S. Environmental Protection Agency at arbitration hearings, conferences, and negotiations.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may be redelegated to the section chief level, or equivalent, and no further.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
  - a. Authority to enter consent orders for administrative actions is delegated in Delegation 14-14C, “Administrative Actions through Consent Orders.”
  - b. Authority to refer cost recovery claims for resolution by arbitration and to represent the Agency at arbitration hearings, conferences and negotiations is delegated in Delegation 14-14F, “Cost Recovery Arbitration.”
  - c. Authority to enter into or exercise agency concurrence authority in de minimis settlements under CERCLA Section 122(g) is delegated in Delegation 14-14E, “De Minimis Settlements.”

- d. As required by Section 122(h)(1) of CERCLA, if total response costs at the facility exceed \$500,000 (excluding interest), the agency may not compromise the claim without the prior written approval of the Attorney General.



Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

Date